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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

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UNITED STATES OF AMERICA,

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Plaintiff,

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v.

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UNITED MICROELECTRONICS
CORPORATION, et al.,

20

Defendants.

21

CASE NO.: 3:18-cr-00465-MMC

**DECLARATION OF ANDREW C.
HSU IN SUPPORT OF DEFENDANT
FUJIAN JINHUA INTEGRATED
CIRCUIT CO., LTD.'S OPPOSITION
TO THE GOVERNMENT'S MOTION
IN LIMINE NO. 1**

Judge: The Honorable Maxine M. Chesney
Trial Date: February 14, 2022

Hearing Date: January 18, 2022
Hearing Time: 10:00 a.m.

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DECLARATION OF ANDREW C. HSU

I, Chao-Ching Hsu (aka Andrew C. Hsu) declare and state as follows:

3 1. I am the Founder & Managing Partner of LexPro Attorneys-at-Law. I, along with
4 LexPro, are counsel for Defendant Fujian Jinhua Integrated Circuit Co., Ltd. (“Jinhua”) in certain
5 matters relating to Taiwan. I was admitted to practice law in Taiwan in 1993. I had been a district
6 court judge from 1999 to 2009. I was a partner with Baker & McKenzie Taipei Office from 2009 to
7 2014 and then founded LexPro. I received my Ph.D. degree from National Chung Cheng University in
8 Taiwan in 2005 and got a LL.M degree from University of California at Berkeley in 2007. I used to
9 be the chairman of the Criminal Procedure Committee of Taiwan Bar Association and a member of
10 the Criminal Procedure Act Revision Committee under Judicial Yuan. I submit this declaration in
11 support of Jinhua’s Opposition to the Government’s Motion *In Limine* No. 1 to Admit Statements of
12 Agent. This declaration is based upon my personal knowledge, and, if called to testify, I could and
13 would do so competently as to the matters set forth herein.

14 2. I understated that the United States government seeks to admit into evidence various
15 written memoranda of interviews or interrogations conducted by the Taiwan Ministry of Justice
16 Investigation Bureau (“MJIB”) and/or Taiwanese prosecutors. These can be called “Interrogation
17 Record” or “Record of Interview,” or may even be called a “Transcript.”

18 3. Based on my 25+ years of experience in practicing Taiwanese law, these records are
19 not verbatim transcripts of the interrogation or interview. Rather, it is a contemporaneous summary
20 of the key questions and answers during the interview. While it usually is formatted in a
21 question/answer or transcript-like format, these records are not a verbatim transcript and do not
22 contain everything that was said during an interview or interrogation.

23 4. Additionally, I note that these “Interrogation Records” or “Interview Records”, if
24 argued by defense attorneys and/or the accused, can be excluded from evidences submitted by the
25 prosecutors in Taiwanese courts.

26 5. I also note that that there is no right under Taiwanese law for witnesses in an
27 investigation to have counsel present during an interrogation or interview. It is my experience that

1 even if counsel accompanies a witness to the prosecutor's office, counsel will not be able to join the
2 witness for the interview. They have to wait for the witness outside.

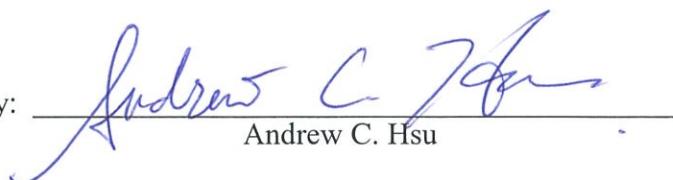
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4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct. Executed on this 18th day of January 2022 in Taipei, Taiwan.

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By:



Andrew C. Hsu

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SIGNATURE ATTESTATION

13 Pursuant to Civil Local Rule 5-1(i), I attest under penalty of perjury that concurrence in the
14 filing of this document has been obtained from any other signatory to this document.

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/s/ Jack P. DiCanio

Jack P. DiCanio

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